



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,638	12/28/1999	MAQBOOLAHMED S. PATEL	15-IS-5286	1250

7590

10/22/2003

JOHN F NETHERY
MCANDREWS HELD & MALLOY LTD
500 WEST MADISON STREET 34TH FLOOR
CHICAGO, IL 60661

EXAMINER

KIBLER, VIRGINIA M

ART UNIT PAPER NUMBER

2623

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/473,638

Applicant(s)

PATEL ET AL.

Examiner

Virginia M Kibler

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-3, 5, 7-10, 12, 14-17, and 19 are rejected under 35 U.S.C. 102(a) as being anticipated by Huang (*PACS: Basic Principles and Applications*). The rejection advanced in the previous Office Action, and as it applies to the above claims, is incorporated herein by reference; the detail of which will not be repeated.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 6, 11, 13, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (*PACS: Basic Principles and Applications*) as applied to claim 1 above, and further in view of Takeo et al. (6,231,246). The rejection advanced in the previous Office Action, and

Art Unit: 2623

as it applies to the above claims, is incorporated herein by reference; the detail of which will not be repeated.

Response to Arguments

5. Applicant's arguments filed 7/29/03 have been fully considered but they are not persuasive.

Summary of Applicant's Argument: The "certain image preprocessing functions" described in Huang corresponds to all preprocessing functions for a given modality. The raw image data is fully preprocessed before being stored as preprocessed image data on the PACS network for retrieval and display at a display workstation. The PACS network of Huang does not teach partially preprocessing raw image data using at least one and fewer than all of the applicable preprocessing functions. Huang does not teach a preprocessing database for storing partially preprocessed image data. Takeo does not relate to a PACS. Takeo does not teach or suggest partially preprocessing data and storing partially preprocessed image data in a preprocessing database in a PACS network. Huang and Takeo could not be combined to teach or suggest all of the claimed limitations.

Examiner's Response: Huang teaches partial preprocessing of raw image in Section 8.7.2. From the predetermined preprocessing functions taught by Huang (Sect. 8.7 Image Processing which comprises image format and preparing image for optimal viewing) some of them are not applied to Computed Radiography images because these functions are already performed during digitization. Claim language (Claims 1, 7, 14) does not recite "preprocessing database for storing partially preprocessed data." Furthermore, as indicated for CR in Section

Art Unit: 2623

8.7.2, partially preprocessed images (in view of preprocessing function stored in Huang PACS) will be submitted to the network.

The teachings by secondary prior art of record are cited for well known image processing recited in the dependent claims. All claim limitations concerning PACS are taught by primary prior art of record as mentioned above and in the Office Action.

Other Art Cited

6. The art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,526,304 to Patel et al. for processing PACS images;

U.S. Pat. No. 6,529,757 to Patel et al. for PACS for multi-level image data processing;
and

U.S. Pat. No. 6,584,461 to Patel et al. for default operator preference processing for a PACS.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Art Unit: 2623

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia M Kibler whose telephone number is (703) 306-4072. The examiner can normally be reached on Mon-Thurs 8:00 - 5:30 and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

VK

VK
10/12/03

MEHRDAD DASTOURI
PRIMARY EXAMINER

Mehrdad Dastouri